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ABSTRACT

This paper which presents the major federal legislation applicable to youth-work programs aims at indicating: the intent of each legislation and what makes it possible, who allocates the funds, and who can apply for and receive funds. Sub-sections of the Economic Opportunity Act include: Job Corps, Neighborhood Youth Corps, Community Action Programs, Adult Basic Education, and Special Work Experience and Training Programs. Other programs included are: Vocational Education, Federal State Employment Services, Vocational Rehabilitation, Health Care -- Social Security Amendments, Elementary and Secondary Education Act, Civil Rights Act of 1964, Juvenile Delinquency Act, and related legislation (Public Works and Economic Development Act of 1965, Appalachian Regional Development Act of 1965, and Housing and Urban Development Act of 1965). A conclusion refers to the vagueness of the laws and the lack of integrated coordination and direction. (nl)

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FEDERAL LEGISLATION FOR A COMPREHENSIVE PROGRAM ON YOUTH EMPLOYMENT

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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by R. A. Nixon

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FEDERAL LEGISLATION FOR A COMPREHENSIVE PROGRAM ON YOUTH EMPLOYMENT

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FEDERAL LEGISLATION FOR A COMPREHENSIVE PROGRAM ON YOUTH EMPLOYMENT

INTRODUCTION

Congress has passed many different laws dealing with manpower, employment, unemployment and related problems. When the Office of Economic Opportunity issued its **Catalogue of Federal Programs for Individual and Community Improvement** on Dec. 15, 1965 it listed 250 different federal programs administered by 16 different government agencies. At least 35 of these are potentially applicable to youth-work programs seeking to increase the employability and employment of disadvantaged youth. Commenting on the complexity of manpower legislation generally, Yale Professor E. Wight Bakke recently wrote that "when . . . we survey the vast dispersion of these tasks that fall logically and necessarily under the employment and manpower umbrella, the first inclination is to throw up our hands in despair at ever achieving any integrated direction and coordination. . . ."[1]

But the planner of a youth-work program cannot "throw up his hands in despair". He must seek to utilize all the available legislation to help build a coherent and comprehensive program. The purpose of this paper is to help him by describing the major relevant federal legislation. It is written to indicate the intent of that legislation and what it makes possible, who allocates funds, and who can apply for and receive funds. It makes no attempt to go beyond the specific terms of the laws to deal with the highly relevant and practical administrative regulations and practices putting them into effect. This is not intended to be a "how to do it" paper.

Not every federal law with a conceivable effect on youth employment is included. But all the major pieces of federal legislation are described. No attempt has been made to include state and local legislation.

Some of the Congressional enactments are vague and leave to administrative clarification such matters as the specific definition of "poverty", allowances for Job Corps enrollees, or the responsibility for operating the Neighborhood Youth Corps. The very vagueness of the legislation can often be turned to advantage by achieving its most advantageous specific application. Some of the legislation described cannot be utilized directly by community manpower or youth-work officials. But even in this case, knowledge of these laws is essential for the youth-work planner if he is to realize the full

1 Bakke, Wight E., **A Positive Labor Market Policy,** Charles E. Merrill Books, Inc.. Columbus, Ohio (1963) p. 149.

potential of cooperating agencies, and perhaps to help create new policies and legislation in the services of a complete program for youth employability and employment.

ECONOMIC OPPORTUNITY ACT — THE ANTI-POVERTY PROGRAM

The main purpose of the Economic Opportunity Act is well known. The principal means of eliminating "the paradox of poverty in the midst of plenty" is stated to be "opening to everyone the opportunity for education and training, the opportunity to work. . . ." Emphasis is on youth employment and Title I of the Act deals with "Youth Programs".[2]

The Job Corps

The Job Corps is aimed at a particular hard-core of disadvantaged youth who need a "change in surroundings and associations" in order best to receive "education, vocational training, useful work experience" that will increase their employabliity and prepare them "for the responsibilities of citizenship".[3] For this purpose the OEO Director is to set up a series of conservation camps and urban residential centers where work and training, health, education, and counseling services will be provided.

The OEO Director is authorized to prescribe the eligibility standards for Job Corps enrollees aged 16 through 21, and is given wide latitude in making arrangements for "any federal, state, or local agency or private organization"[4] to establish and operate Job Corps centers.

The law requires that 40 percent of the male Job Corps enrollees must be assigned to "Youth Conservation Corps" camps engaged in conservation of natural resources. Job Corps enrollment can be for 2 years. In addition to all living and transportation costs, the OEO Director may provide Corps enrollees with an allowance which he deems "necessary or appropriate for their needs". Each youth on leaving the Corps is to receive $50 for each month of "satisfactory participation". Although not in the law itself, Congress expressed its intent that at least one-third of the Job Corps enrollees should be young women.[5]

2 "The major part of the war on poverty . . . is that part which involves the problem of finding jobs for young people, especially those who have been born into the world of poverty, and have no way out save through education, training and a decent job . . ." Secretary of Labor Willard Wirtz at the House Education and Labor Committee Hearings on Economic Opportunity Act, March 19, 1964.

3 **Economic Opportunity Amendments of 1965,** House Committee on Education and Labor, Report No. 428, May 27, 1965, p. 2.

4 Unless otherwise indicated, quotations are from the text of the legislation being discussed.

5 **Economic Opportunity Amendments of 1965,** op. cit., Report No. 428, p. 3.

At the beginning of May, 1966 there were 99 Job Corps centers in operation serving 24,017 youths of a reported 287,911 eligible "Job Opportunity" application cards received.[6] The President's 1967 Budget Message states that the "capacity" of the Job Corps in fiscal 1967 will be 39,000 young men and 6,000 young women. That Message estimates Job Corps costs as $240 million in fiscal 1966 and $350 million in fiscal 1967, which suggests a Job Corps average enrollment of 25,000 during the year ending June 30, 1967.

The Neighborhood Youth Corps

The Neighborhood Youth Corps — designated as "Work-Training Programs" in the Economic Opportunity Act — has the purpose of increasing employability of jobless youth and the resumption or continuation of school attendance of high school dropouts or potential dropouts. Socially useful jobs on either public or non-profit private projects are to be combined with "vocational training and educational services". Jobs with "high training potential" are to be given priority and both work experience and training is to be in occupational skills with "a reasonable expectation of employment".

The OEO Director is to cooperate with state and local agencies and with private non-profit organizations to set up Neighborhood Youth Corps, and is to make agreements with such units to pay "part or all of the cost" of the program. (The Director of OEO has delegated responsibility for the NYC program to the Secretary of Labor.) The law provides that NYC enrollees shall be aged 16 through 21, and their participation must be "consistent with the purposes" of the Economic Opportunity Act. The Director is to assure that rates of pay and conditions of work are "appropriate and reasonable".

The law emphasizes that NYC enrollees should be provided with vocational and educational services, with testing, counseling, job development, and referral services. If these are inadequately available, the program may make special arrangements for these supplementary services. Distribution of NYC funds among the States is to be "equitable" with no state getting more than 12½ percent of the total.

The President's 1967 Budget Message reports that NYC will provide 125,000 part time jobs during the next school year, 165,000 jobs during the summer, and "the equivalent of 128,000 work and training positions of 6 months duration" for "out-of-school unemployed youth".

6 **A News Summary of the War on Poverty,** Office of Economic Opportunity, May 2, 1966, p. 4.

COMMUNITY ACTION PROGRAMS (CAP)

The Community Action Programs (Title II-Part A of the Economic Opportunity Act) are to help "urban and rural communities mobilize their resources to combat poverty". While the CAP is not solely concerned with youth-work or other manpower programs, the law clearly directs CAP toward this activity. A "Community Action Program" is defined as one which, among other things, "provides services, assistance, and other activities . . . [that] give promise of progress toward elimination of poverty or a cause or causes of poverty through developing employment opportunities, improving human performance, motivation, and productivity . . ." In outlining the components of a CAP program which justify the OEO Director in making CAP grants to "appropriate public or private non-profit agencies", the Act lists "employment, job training and counseling, health, vocational rehabilitation, housing, home management, welfare, and special remedial and other non-curricular educational assistance . . ."

This language authorizes CAP to make arrangements for and help fund many components of a comprehensive youth-work program. The OEO Director is mandated to give preference in the allocation of all assistance under the Act to programs and projects that are integral parts of the CAP. The Community Action Program is to be "developed, conducted, and administered with the maximum feasible participation of residents of the areas and members of the groups served". Grants and/or contracts with public agencies, universities, and private organizations to develop research, training, and demonstration projects are authorized up to a total of 15 percent of total CAP appropriations.

Adult Basic Education Programs

As part B of the Title II—Urban and Rural Community Action Programs—there is provision for programs of instruction in English language literacy to serve "adults", defined as "individuals who have attained the age of eighteen". The purpose is employability of such "adults" through elimination of their "inability to read and write the English language [which] constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability . . ."

The OEO Director is mandated to grant funds covering 90 percent of all the costs to states which have developed plans approved by him to carry out the adult literacy purposes of the Act. Such approved plans are to be administered by the appropriate "State Educational Agency". Allotments to states shall be on the basis of the relative proportions between states of their population which have "attained age eighteen and who have completed not more than five grades of school . . ."

One of th statutory conditions for approval of a state adult basic education program is that it "provides for cooperative arrangements between the State Educational Agency and the State Health Authority looking toward provision of such health information and services . . . as may be available" and "reasonably be necessary" to enable those receiving the literacy instruction to "benefit" from that training.

This opens a door to remedial education and health service for functionally illiterate youth who are school dropouts and over 17 years of age. The President's 1967 budget contemplates provision of basic education to 75,000 adults through $30 million in grants to states under this program.

Total spending for the Community Action Programs, including Project Headstart and the Adult Literacy Program, is scheduled by the Administration's proposed budget to increase from $491 million in fiscal 1966 to $710 million in fiscal 1967.

Special Work Experience and Training Programs for Jobless Welfare Recipients

The Economic Opportunity Act (Title V) "Work Experience Programs" continues and extends the program initiated in the 1962 Amendments to the Social Security Act to provide "constructive work experience and other needed training" to jobless persons receiving public assistance. OEO funds — $150 million was authorized for fiscal year 1966 — are transferred for this purpose to the Secretary of Health, Education, and Welfare who administers the program in cooperation with state welfare departments. He is to finance experimental, pilot, and demonstration projects to advance the aim of assisting public welfare recipients towards "capability for self-support or personal independence".

This section of the anti-poverty program is directed towards the hard-core unemployed. There are no age limits and its terms could be applied to young persons in welfare families, whether or not they are heads of the family. At the beginning of May, 1966, there were 58,755 participants in the program.

MANPOWER DEVELOPMENT AND TRAINING ACT

The Manpower Development and Training Act of 1962, as significantly amended in 1963 and 1965, with an estimated expenditure for its purposes in fiscal 1966 of $279 million is a major component of the national manpower policy and program. As stated by the House Education and Labor Committee Report on the 1965 MDTA Amendments, "The primary emphasis

of the Manpower Development and Training Act, from its beginning, has been upon the training and retraining of unemployed adults with substantial past employment experience. This continues to be the proper emphasis, in the view of the Committee".[7] In the MDTA legislation Congress has primarily reflected its concern over "shifting employment needs" due to automation, other technological developments and "changes in the structure of the economy"; to the consequent displacement of experienced workers; and to the development of shortages of skilled manpower.

While there has been a steadily increased emphasis on disadvantaged youth, the fact remains that the law restricts the participation of young persons in MDTA. The law now allows 25 percent of the participants who receive training allowances to be youths aged 17 to 22. This will permit MDTA training allowances for approximately 31,000 youth aged 17 to 22 during the current (1966) fiscal year. On the reasonable assumption that the amount of the average adult training allowance is more than double that for youth, 10 to 12 percent of MDTA training allowance funds can go to needy jobless youth. This would amount to approximately $21 million a year.[8]

In his report on "Manpower Requirements, Resources, Utilization, and Training" transmitted to Congress in March, 1966, the Secretary of Labor reported that 43,200 youth (16 to 22) were enrolled in MDTA institutional programs and 4,000 were on OJT projects. Youth made up 42 percent of all MDTA classroom trainees and 39 percent of all on-the-job trainees in 1965.[9]

MDTA provides for two main types of training: **One**, so-called institutional training carried on in regular classrooms or training centers; **Two**, on-the-job training under agreement with private employers or other suitable groups.

Institutional training is of several types. The basic category is training in an occupation for which the Secretary of Labor has determined "there is a reasonable expectation of employment". When the Secretary of Labor decides that some eligible persons need basic education before they can pursue their desire for occupational training, he can refer them to special

7 **Manpower Act of 1965,** House Report No. 170, March 15, 1965, p. 22.

8 "There is no intention to change present policies with respect to the enrollment of youth in the MDTA program. Since the Act was last amended, in 1963, to increase effectively the proportion of youth trainees, Congress has enacted the Economic Opportunity Act. The NYC, Job Corps and other programs authorized by this recent Act provide extensive new work and training opportunities for youth. Accordingly, the committee reaffirms its support for a policy of maintaining a reasonable limitation on the proportion of youths in the MDTA program". **House Committee Report,** op. cit., on 1965 MDTA Amendments, p. 21-2.

9 **Manpower Report of the President, and a Report on Manpower Requirements, Resources, Utilization and Training,** U. S. Department of Labor, March 1966, p. 97.

preparatory classes. Finally, the Secretary can establish a "special program for the testing, counseling selection, and referral of youths, sixteen years of age or older, for occupational training and further schooling". The Secretary is also to provide counseling, placement, and follow-up studies for those who have completed their training.

All unemployed over fifteen who need training to get a job are eligible to MDTA programs. Training allowances are available to unemployed persons who have worked at least two years. The allowances can equal the average unemployment compensation payment in the state, plus $10 per week, plus maximum allowances of $20 for six dependents. Each trainee can also work for pay on a regular job for 20 hours a week without reducing his allowance. Under certain circumstances transportation and subsistence payments are allowed.

MDTA training payments can be made for one hundred and four weeks. This long period was provided to meet the special needs of trainees preparing for very technical skilled occupations and for the particularly disadvantaged who need extensive remedial basic education prior to regular occupational training.

Youths aged 17 to 22 — those trainees aged 16 are excluded — may also receive training allowances up to $20 a week if the Secretary of Labor decides they need it in order to undertake training. The Secretary of Labor must "satisfy himself" that the youth trainee is a bona fide "dropout" from high school.

The Secretary of Labor carries the main federal responsibility for MDTA. He is to make arrangements with each state "or with the appropriate agency in each State" to set up both institutional and on-the-job training programs. On OJT, the Secretary can also make agreements for training programs with "private and public agencies, employers, trade associations, labor organizations and other industrial and community groups . . ." Training allowance payments are to be handled by each state under agreement with the Secretary of Labor.

Persons to be trained are referred by the Secretary of Labor to the Secretary of Health, Education, and Welfare who in turn makes agreements of two types: regular occupational training agreements are made with "the appropriate State vocational education agencies" to do the training; for basic education prevocational training the HEW Secretary makes arrangements with the "appropriate education agency". If the state does not make an agreement with HEW, or if it does not provide required training, the Secretary of HEW can contract for it with public or private training institutions.

The Secretaries of Labor and HEW apportion MDTA funds between states according to a set formula based on proportions of jobless and labor force. These funds can be reapportioned when any state has not used its share. The law also provides that, with Bureau of Budget approval, MDTA funds can be transferred among different departments and agencies of the government, provided they are used for MDTA purposes. Until July 1, 1966 all costs of all MDTA programs are paid by the federal government. Thereafter, each state is to pay ten percent of the training costs, except that all training allowances will continue to be funded entirely by the federal government.

Projected MDTA spending in fiscal 1967 is about the same for fiscal 1966 — rising from $279 million to $282 million next fiscal year. The President in his Budget Message stated that "In 1966 and 1967, this program [MDTA], is being redirected to concentrate on workers who have little or no skills. Two-thirds of the estimated 250,000 trainees in 1967 will be drawn from this group of workers, who generally are least able to take advantage of the job opportunities of our prospering economy".

Under the MDTA legislation, the Secretary of Labor is authorized (with the consultation of the Secretaries of HEW and Commerce, and the OEO Director) to establish "experimental, developmental, demonstration, and pilot projects" through grants or contracts with public and private organizations to explore improved methods of meeting the training, employment, and manpower problems of worker groups, including disadvantaged youth and minority groups. The Office of Manpower, Planning, Evaluation and Research (formerly OMAT, now OMPER) of the Labor Department administers this program. Demonstration projects to increase worker mobility by assisting in meeting relocation expenses are also authorized.

VOCATIONAL EDUCATION ACT OF 1963

Under the Vocational Education Act of 1963 the federal government, through the U. S. Commissioner of Education in the Department of Health, Education, and Welfare, makes grants to states to subsidize their vocational education programs. In this 1963 Act, the system of federal aid to state vocational education was modernized and enlarged to subsidize all non-professional occupations training that is "realistic in the light of actual or anticipated opportunities for gainful employment". It introduced new attention to training of disadvantaged youth and provides a program of part-time employment to youths who need such income supplement to continue vocational education.[10]

10 The Federal Vocational Education Assistance Program had, prior to 1963, been based on the Smith-Hughes Act of 1917 and the George-Barden Act of 1946. Federal aid was limited to training for specified occupations, and almost two-thirds was for agriculture and home economics. See U. S. Department of Health, Education, and Welfare, Office of Education, **Digest of Annual Reports of State Boards of Vocational Education,** 1961, Table 3, p. 7.

The following statement in 1963 by the House Committee on Education and Labor which handled the MDTA and Vocational Education legislation clarifies the purpose of both Acts: "The Committee is aware some question may be raised as to the relationship of MDTA to the Vocational Education Act of 1963. That there may be an overlap is apparent only under superficial examination. Historically, vocational education has been available throughout the country for many years. But it had little impact upon training of the displaced unemployed for the simple reason that no adequate means were available to maintain the financial support needed by a breadwinner for his family during the period needed to complete his training. The [MDTA] Act passed by the Congress last year was primarily to plug this void. Some 60 percent of its appropriations is spent for training allowances alone. It covers training costs, but normally these are costs of special courses set up for full-time training outside the normal operations of vocational education. Moreover, new or expanded vocational training facilities cannot be provided under MDTA. Therefore, sums spent on vocational education are complementary to the MDTA programs . . . since additional facilities provide more opportunity for meeting effectively the training needs of the unemployed under MDTA".[11]

Federal Vocational Education aid is authorized for high school classes, for full-time vocational education of those out of school, for upgrading employed workers, for construction of facilities, for education of "persons who have academic, socio-economic, or other handicaps that prevent them from succeeding in the regular vocational education program", and for "ancillary services and activities to assure quality in all vocational education programs . . ."

Mandatory provisions of a federally approved and funded State Vocational Education plan require that one-third of the alloted funds be used for education of out-of-school jobless and/or construction of new facilities, and that 3 percent of the funds be used for "ancillary services". Also required is assurance that "all persons in all communities of the State will as soon as possible have ready access to vocational training suited to their needs, interests, and ability to benefit therefrom". A cooperative arrangement with the State Employment Service regarding labor market information and vocational guidance and counseling is required.

Allotments to the states are made by the U. S. Commissioner of Education on the basis of population proportions weighted to emphasize that proportion under 19 years of age. Re-allotment of unused state allocations is provided. Ten percent of the appropriation for Vocational Education (auth-

11 **Amendments of Manpower Development and Training Act of 1963,** House Committee on Education and Labor, Report No. 861, Oct. 18, 1963, p. 4.

orized to be $118,500,000 during the current fiscal year) is to be used by the Commissioner to make grants to colleges and universities and other public or non-profit private agencies and institutions to pay the costs of "research and training programs, and of experimental, developmental, or pilot programs . . . to meet the special vocational education needs of youths, particularly youths in economically depressed communities who have academic, socio-economic, or other handicaps that prevent them from succeeding in regular vocational education programs".

The 1963 Act includes two new programs aimed at disadvantaged youth. The first is a "work-study program" for students in an approved vocational educational program. Using an allotment formula based on proportions of the population aged fifteen to twenty, the Commissioner can assign funds to each state to pay for up to fifteen hours of work each week by students. The part-time jobs must be for a local educational agency or some other public unit. Total pay is limited to $45 in any month or $350 per year. Such part-time work will be available only to needy, full-time vocational education students aged 15 to 21. This plan is to be administered by the State Vocational Education Board, which is also the applicant for aid.

The second special program authorizes grants to set up and operate residential vocational education schools for youths aged 15 to 21 "who need full-time study on a residential basis in order to benefit fully from such education". As yet, funds have not been appropriated for this program.

Two special vocational education programs are illustrative and warrant mention. **Practical Nurses Training**: Included in the appropriations for Vocational Education in fiscal 1966 is $5 million earmarked for training of practical nurses and other "health occupations" as established in George-Barden Vocational Education Act of 1946. Special state plans organized by either the State Board of Vocational Education or the State Education Agency are required to qualify for allotment from this fund by the U. S. Commissioner of Education.

In fiscal 1965 there were 66,772 enrolled in practical nursing and related health occupation courses. Five million dollars was authorized for these courses in 1965, and $4,535,000 was spent. The states are required to match federal funds on a 50-50 basis.[12]

The Nurse Training Act of 1964 provides funds to facilitate training of professional nurses and nursing teachers and supervisors. The Public Health Service administers the program.

12 **Digest of Annual Reports of State Boards for Vocational Training,** U. S. Office of Education, Division of Vocational and Technical Education, 1962.

Fishing Trades: The fiscal 1966 vocational education appropriation also includes $375,000 to train fishing industry personnel. The Commissioner of Education makes the appropriations "on an equitable basis" after consultation with the Secretary of the Interior. In 1962 the federal expenditure for such training was $93,725, out of total federal-state-local expenditure of $233,349.[13]

FEDERAL-STATE EMPLOYMENT SERVICE WAGNER-PEYSER ACT OF 1933

The public employment system is a combined federal-state relationship based on the Wagner-Peyser Act of 1933. It is actually a dominantly state apparatus with complete federal financing and limited federal supervision and direction. Dr. Garth L. Mangum, when he was Research Director of the Senate Subcommittee on Employment and Manpower, wrote that "Because of the history of State initiative and because of the peculiar Federal-State structure of the American government, labor market placement services in this country are primarily a State and local function with financial support and some coordination from the Federal level . . . Any attempt to appraise the functioning of public employment services in the United States must focus on the State agencies . . ."[14]

Under the Wagner-Peyser Act $492 million was granted by the Federal Budget in fiscal 1966 to finance 2,000 Employment Service offices in the 50 states. In this public employment service system are the main resources available for testing, counseling, and job referral. The responsibilities of the United States Employment Services are specified in the Wagner-Peyser Act as:

> "It shall be the province and duty of the Bureau to promote and develop a national system of employment offices for men, women and juniors who are legally qualified to engage in gainful occupations, including employment counseling and placement services for handicapped, etc. . . . The Bureau shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities . . ."

Although the Employment Service operated a special "Junior Placement Service" during the '30's, little attention was paid to young entrants into

13 **Ibid,** p. 177, 1962 Reports.

14 **The Labor Market Role of the State Employment Services,** Senate Committee on Labor and Public Welfare, Jan. 24, 1964, p. 1-2.

the labor force in the intervening years. During 1965 the U. S. Employment Service moved to step up its youth services and set up a number of Youth Opportunity Centers. The Labor Department says, "These Centers form the core for assisting the youth of the Nation to find suitable employment — here they will go to be tested, counseled, and referred to a job or to training for whatever skill they need . . ." President Johnson in his 1967 Budget Message has requested an additional $40 million for the Employment Service, in large part to operate 139 YOC units for "improved employment services for disadvantaged youth" in major metropolitan areas.

In September, 1965, the Secretary of Labor appointed a special task force of experts to study the Service and make recommendations for improvement. The task force urged that more attention should be given to "the provision of special counseling, job development, and placement services for young, inexperienced persons . . ." and that "technical assistance and administrative support" should be given to other government agencies in the manpower field such as the Neighborhood Youth Corps and the Office of Economic Opportunity. Congress is considering, in the current 1967 session, proposed legislation to amend the Wagner-Peyser Act "so as to provide for more effective development and utilization of the Nation's manpower resources by expanding, modernizing, and improving operations at both State and Federal level . . ."[15]

VOCATIONAL REHABILITATION

The Vocational Rehabilitation Act, importantly amended in 1965, provides federal assistance to state rehabilitation programs. The target population of this legislation are severely handicapped individuals who need special care "so they may prepare for and engage in gainful employment to the extent of their capabilities". The availability of this service is important to a youth-work program as an auxiliary resource to which a particular portion of disadvantaged youth can be referred. It can relieve projects such as the Neighborhood Youth Corps and regular training programs of the need to try to accommodate youth requiring very special vocational services.

The law defines the term "physically handicapped" as meaning "any individual who is under a physical or mental disability which constitutes a substantial handicap to employment, but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in a renumerative occupation".

The Secretary of HEW is authorized to make grants to state vocational

15 Senator Joseph Clark (D-Penna.) on the introduction of proposed amendments to the Wagner-Peyser Act, **Congressional Record,** Feb. 24, 1966, p. 3751.

rehabilitation agencies to assist them in conducting and extending their state programs, and for research and demonstration projects. The federal share, beginning in fiscal year 1967, is to be 75 percent of total vocational rehabilitation costs. The fiscal 1966 federal expenditures are estimated to be $215 million, a large increase from the fiscal 1965 actual expenditure of $137 million. Estimated expenditures for fiscal 1967 are $314 million. It is anticipated that 215,000 handicapped persons will be rehabilitated in 1967, 25 percent more than in 1966.[16]

Handicapped persons who are disadvantaged in their job prospects are eligible for vocational rehabilitation, the final decision regarding their acceptance being made by the local agency. Mental retardation, mental illness, speech and hearing disorders, heart disability, and amputations are included in the handicaps dealt with.

The 1965 Amendments established medical examinations to determine the degree of disability and other services to estimate ultimate employment capacity as a regular part of vocational rehabilitation. Special workshops to train the handicapped are authorized, with the federal government paying 90 percent of the costs. Weekly training allowances up to $25 plus $10 for each dependent (maximum $65 per week) are authorized for two years.

The program is administered by the Vocational Rehabilitation Administration of the Department of Health, Education, and Welfare. State rehabilitation agencies may apply for regular funds.

HEALTH CARE FOR DISADVANTAGED YOUTH: SOCIAL SECURITY AMENDMENTS OF 1965

The employability of many jobless youth is seriously impaired by defects of health. A comprehensive youth-work program needs to include health care providing physical examinations and medical care. The Social Security Amendments of 1965 includes two programs which may provide such services. Their full potential remains to be developed.

Special Project Grants for Health of School and Preschool Children (Title II — Part 1 — Sec. 532):

The Children's Bureau, Welfare Administration of HEW is authorized to make grants to projects that promote the health of children and youth of school and preschool age, especially in areas of concentrations of low income families. These grants can be made to state health agencies, to other health agencies in the state (with the approval of the state health agency), and to any medical and dental school. These eligible agencies can make applica-

16 **The Budget of the United States Government 1967,** p. 119 and 248.

tion for grants to the Division of Health Services of the Children's Bureau, HEW. The federal grant can cover 75 percent of the costs of a comprehensive project for health care and services for children and youth of school age. Since the covered youth need not be enrolled in school, it may cover school dropouts and potential dropouts enrolled in youth-work programs.

The law stipulates that approved projects must include screening, diagnosis, preventive services, treatment, correction of defects and aftercare, both medical and dental, as the Secretary of HEW prescribes. Only low income family children are to receive treatment, correction of defects and aftercare. Appropriations are authorized for these projects of $15 million in fiscal 1966, $35 million in fiscal 1967, and $45 million in fiscal 1968.

Grants to States for Medical Assistance Programs — (Title XIX)

Under plans developed and administered by state welfare agencies, and approved by the Secretary of HEW, federal funds will be made available to cover 60 percent of the cost for medical assistance for needy individuals including low income families with dependent children lacking resources "to meet the costs of necessary medical services . . ." This medical assistance can be given to needy persons not receiving other public assistance, and is aimed to cover all needy children under 21 years of age.

"Medical assistance" is defined to include, among other care, dental services, eyeglasses, clinic services, and "other diagnostic, screening, preventive, and rehabilitative services".

Application for Title XIX funds must be made by the state welfare agency to the Bureau of Family Services, Welfare Administration, HEW. Title XIX became effective January 1, 1966.

The House Ways and Means Committee report on the Social Security Amendments of 1965 estimated that "if all States took full advantage of provisions of the proposed Title XIX, the additional Federal participation would amount to $238 million. However, because all States cannot be expected to act immediately to establish programs under the new title . . . the Department of Health, Education, and Welfare estimates that additional Federal costs in the first year of operation will not exceed $200 million".[17]

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Deficiencies in ability to read and write English and to handle simple arithmetic seriously limit the employability of a large part of disadvantaged

17 U. S. Congress, House of Representatives, Committee on Ways and Means, **Social Security Amendments of 1965,** Report No. 213, March 29, 1965, pp. 74-75.

jobless youth. A great new potential resource for the remedial education necessary to deal with this problem is found in the Elementary and Secondary Education Act of 1965 (ESEA).

The main body of the Act is Title I — "Financial Assistance to Local Educational Agencies for the Education of Children of Low Income Families". For the purposes of Title I, $970 million is budgeted for fiscal 1967 — about 80 percent of the total appropriations for the Act. The purpose of this federal aid is to help local school districts meet "the special needs of educationally deprived children". It is recognized that where such low income families are concentrated there is also low community capacity to meet special educational needs.

Under this law the U. S. Commissioner of Education makes grants to local school districts based on a formula determined in large part by the number of children aged 5 to 17 inclusive who come from families with annual incomes of less than $2,000.[18] But the Act does not limit aid to children of 5 to 17, defining the term "child" as meaning "any child who is within the age limits for which the applicable State provides free public education".

The federal grants are to be used for programs and projects "to meet the special educational needs of educationally deprived children . . ." The House Labor Committee in reporting this legislation emphasized that "to the maximum extent possible, this legislation gives encouragement to local school districts to employ imaginative thinking and new approaches to meet the educational needs of poor children". The Committee listed a large number of suggested programs as "illustrative of the many possible uses of funds". Included were the following items of special interest to youth-work programmers: Remedial programs, especially in reading and mathematics; programs for the early identification and prevention of dropouts; work-experience programs; on-the-job training for high school students; supplemental health services; institutes and in-service training of teachers in special skills; increased guidance service. The Committee emphasized that the list was "not intended in any way to limit the possible uses of funds by the local school district . . ."[19]

It would appear that such wide latitude for use of this aid to education funds permits projects for high school drop-outs, particularly with remedial education for those participating in NYC or other work-training programs.

18 "Legislation will be recommended . . . to raise the low income criterion for special assistance from $2,000 to $3,000 for fiscal year 1968", **The President's 1967 Budget Message,** p. 131.

19 U. S. Congress, House of Representatives, Committee on Education and Labor, **Elementary and Secondary Education Act of 1965,** Report No. 143, March 8, 1965, p. 6-7.

This potential relationship to the development of a comprehensive program is also indicated by the Act's requirement that to receive a grant under Title I, "wherever there is . . . a [OEA] Community Action Program, the programs and projects [must] have been developed in cooperation with the public or private non-profit agency responsible for the Community Action Program . . ."

The federal government pays all the costs for programs set up under the ESEA. Its administration is in the U. S. Office of Education of the Department of Health, Education, and Welfare. Local school agencies apply to the U. S. Commissioner of Education for Title I funds through the state education agency whose approval is required.

A further section of the Elementary and Secondary Education Act of interest to youth-work programs is in Title III — "Supplementary Educational Centers and Services". One hundred million dollars was authorized for this title in fiscal 1966. These funds are to go to local school districts for special projects of supplementary educational services and activities such as "Comprehensive guidance and counseling, remedial instruction and school health . . . services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session".

In regard to Title III, as with Title I, the House Education and Labor Committee stressed the legislative purpose in ESEA to permit wide latitude in the funded programs. The Committee report stated that "In this Title the Committee has made use of the language 'centers and services' in order to provide local public educational agencies with the greatest flexibility possible within which to exercise local discretion and judgment with respect to the types of projects which will best serve the educational needs of the community".[20]

Title III funds are processed in the same manner as Title I funds, by local public educational agency application to the U. S. Commissioner of Education transmitted with the approval of, and by, the state education agency.

CIVIL RIGHTS ACT OF 1964

In the Civil Rights Act approved by Congress on July 2, 1964 there are two sections relevant to the problems of the employment of disadvantaged youth. These are Title VI — NonDiscrimination in Federally Assisted Programs and Title VII — Equal Employment Opportunity.

20 U. S. Congress, House of Representatives, Committee on Education and Labor, Report No. 143, op. cit., p. 17.

Title VI — NonDiscrimination in Federally Assisted Programs

The sweeping injunction of this section directs that there shall be no discrimination against any person on the grounds of "race, color, or national origin" in any "program or activity receiving Federal financial assistance". Such assistance means grants, loans, or contracts. Compliance is to be enforced by the federal government through "termination or refusal to grant or to continue assistance . . ."

Title VII — Equal Employment Opportunity

This title of the 1964 Civil Rights Act makes it unlawful for an employer, because of "race, color, religion, sex, or national origin . . . to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment". It further outlaws such discrimination "to limit, segregate, or classify . . . employees in any way which would deprive or tend to deprive any individual of employment opportunities". A similar mandate is directed to employment agencies and labor organizations.

By "employer" is meant anyone, or the agent of anyone, engaged in "an industry affecting commerce". During the first year of the law's effectiveness (until July 1966) the law applies to employers with one hundred or more employees; for the next year it also applies to those with 75 workers; from July 1967 until July 1968 the application limit is employers with at least 50 workers. After July 1968 all employers with 25 or more employees are covered by the law. It is estimated that this means 29 million workers hired by 259,000 employers will be covered.

An Equal Employment Opportunity Commission of five members is created to effectuate the law. Regional or state offices of the Commission are authorized. Charges of violation of Title VII may be made either by the aggrieved worker or by a member of the Commission. Investigative and enforcement procedures by the Commission, the Attorney General, and the federal courts are provided.[21]

21 On April 27, 1966, by a vote of 299 to 94, the House of Representatives passed HR 10065, the Equal Opportunity Act of 1966, which aims to strengthen the 1964 legislation. Congressman John Dent (D-Penna.), Chairman of the House Education and Labor Subcommittee handling this bill told Congress, "Three major weaknesses exist in the present law. It is limited in coverage to only 8 percent of the employers in the United States. It is devoid of the typical administrative enforcement provisions. It is inadequate in its treatment of apprenticeship and training programs". To meet these defects, HR 10065 would apply the law to employers of 8 or more workers after July 2, 1967 (adding about 10 million workers to the law's coverage); would give the Equal Employment Opportunity Commission more direct powers of enforcement; and would require a continuing survey of minority participation in apprenticeship and on-the-job training programs. See **Congressional Record,** April 27, 1966, pp. 8691-8726.

Juvenile Delinquency and Youth Offenses Control Act:

This pioneer legislation authorizes the Secretary of Health, Education, and Welfare to fund projects to develop and evaluate new techniques and programs for the reduction of juvenile delinquency.[22]

The target population of this legislation comprises both actual and potential delinquents, "school dropouts, unemployed youth faced with limited opportunities and with employment barriers, and youth in deprived family situations".

Since enactment of this law in September 22, 1961, the Office of Juvenile Delinquency and Youth Development in HEW has developed demonstration projects which have emphasized youth-employment programs and the coordinated enlistment of all segments of a community as effective means of combatting juvenile delinquency. These presaged the youth-work and Community Action Programs of the Economic Opportunity Act which have begun to assume responsibility for the continued operation of some of the original demonstration projects initiated under the Juvenile Delinquency Act. Also under this law, special projects for training personnel to be used in delinquency control efforts, for the preparation of training and curriculum materials, and for provision of technical assistance have been developed and funded. A special demonstration project in Washington, D. C. was set up in 1964.

The Juvenile Delinquency Act in 1965 was extended to June 30, 1967 and $6.5 million dollars was authorized for fiscal 1966. For fiscal 1967, $10 million was authorized. The President's budget for fiscal 1967 requests new obligational authority of $8,207,000 to "initiate 13 new demonstration projects, continue to support the special project for the Washington metropolitan area, and 15 existing projects, and train 10,000 individuals (2,000 more than in 1966) who will work to prevent or control juvenile delinquency".[23]

22 According to Bernard Russell, Director, Office of Juvenile Delinquency and Youth Development, Welfare Administration, Department of Health, Education, and Welfare, "There are rough estimates that there are 1.2 million or more delinquent children arrested every year. There are further estimates . . . that there are at least an equal number or more who were never actually adjudicated delinquents, but who indulged in some delinquent behavior". U. S. Congress, **Departments of Labor and Health, Education, and Welfare Appropriations for 1966,** Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, Feb. 3, 1965, p. 1156. The estimated annual cost to society of juvenile delinquency is estimated "as high as $2.6 billion". U. S. Congress, House of Representatives, Committee on Education and Labor, Report No. 1139.

23 **The Budget of the United States Government, Fiscal Year Ending June 30, 1967,** U. S. Government Printing Office, 1966, p. 260.

Important Related Legislation

Public Works and Economic Development Act of 1965.

Appalachia Regional Development Act of 1965.

Housing and Urban Development Act of 1965.

These laws are not directly related to the employment problems of disadvantaged youth. But they have a very real potential relevance. Addressed to special areas of economic development and need for assistance, this legislation opens up special opportunities for coordinated relationship between the programs it establishes and manpower programs seeking employability and employment of youth. For the most part, these possibilities remain to be explored and developed.

Public Works and Economic Development Act of 1965

This law provides $760 million dollars annually in financial grants, loans, and technical assistance to communities and regions of excessive unemployment to aid in the creation of new jobs. "Redevelopment areas" eligible for assistance are defined as those where the jobless rate is "substantially above the national rate", where average family income is low, or where other special "depressed area" characteristics predominate. The Secretary of Commerce is responsible for effectuating the Act. A system of federal-state Regional Action Planning Commissions is created to administer the program under the coordination of the Secretary.

The grants for public works and development facilities are directed to projects which will, besides aiding the economy of the area generally, "primarily benefit the long-term unemployed and members of low income families or otherwise substantially further the objectives of the Economic Opportunity Act of 1964". The Secretary of Commerce is authorized to consult with other persons and agencies "who can assist in meeting the problems of area and regional unemployment or underemployment".

Appalachian Regional Development Act of 1965

This law establishes a unique joint federal-state program for economic development in the Appalachian area from Alabama to New York. The Act authorized a $1.1 billion six-year program. Congress appropriated $350 million for fiscal 1965 and 1966. The main component of the program is for highway construction, with federal funds of $840 million to cover about 70 percent of a $1.2 billion construction program over six years. Regional health centers are provided, with $41 million authorized to cover 80 percent of the construction costs. The federal government is authorized to spend

$28 million for the operation of these centers, 100 percent of the total costs for the first two years and 50 percent for the next three years. Sixteen million dollars is authorized for the construction of vocational educational facilities.

The Appalachian region as defined in the law includes all of West Virginia and portions of eleven other states: Pennsylvania, New York, Maryland, Ohio, Virginia, Kentucky, North Carolina, South Carolina, Georgia, and Alabama. Seventeen million people live in the area. The Governor of each state involved is a member of the Appalachian Regional Commission, while State Regional Representatives designated by each Governor conduct the regular business of the program.

The Senate report on this legislation stated, "Though the Committee acknowledges that the primary purpose of this bill is resources development and not the creation of immediate employment opportunities, we would urge the Secretary of Commerce, implementing the highway and other construction programs, to promulgate regulations which will assure the maximum feasible employment of local labor".[24]

Housing and Urban Development Act of 1965

A wide variety of federal assistance is established in this law to assist in providing housing for low and moderate income families, to aid in urban redevelopment, and to improve living conditions and community facilities. In general it is required that all labor hired by contractors and sub-contractors under this program must be "paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act".

Section 703 and 708 authorizes $50 million a year for neighborhood facilities that are "necessary for carrying out a program of health, recreational, social, or similar community service" (including a Community Action Program approved under Title II of the Economic Opportunity Act of 1964). Such a facility should be "consistent with comprehensive planning for the development of the community" and available for use by a large part of the area's low or moderate income population. It is specifically required in Section 703 (e) that "The Administrator shall give priority to applications for projects designed primarily to benefit members of low-income families or otherwise substantially further the objectives of a community action program approved under Title II of the Economic Opportunity Act of 1964".

24 U. S. Congress, Senate Committee on Public Works, Report No. 1383, August 13, 1964, p. 10.

CONCLUSION

The legislative base — at least in outline — for a comprehensive youth-work program has been created. It is true there are gaps and inadequacies, particularly in available funds. Much of the law is vague and will require time and experience in application to gain precise meaning. There are serious difficulties and complications in putting some of the legislative intent into practice. Above all, there is the lack of integrated coordination and direction which unfortunately characterizes all federal manpower policy and practice.

But there is much legislation to be utilized by the enterprising official shaping a program to increase employability and employment for disadvantaged youth. The experience of applying these laws will not only serve the youth-work program, but will doubtless develop the most constructive basis for legislative amendments and additions in the future.

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